

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.213 OF 2006

Shri.Vilas Barku Bilore ...Petitioner

V/s.

Sou. Lata Alias Chabubai Vilas
Bilore & Anr. ...Respondents

Shri.P.N. Joshi for the petitioner.
Shri.U.V. Nikam APP for the State.

CORAM : V.M. KANADE, J

DATED : 03/08/2006

P.C.:-

1. Heard learned counsel appearing on behalf of the petitioner. Petitioner is challenging the order of enhancement amount of maintenance, which is passed by the Additional Sessions Judge, Niphad whereby maintenance granted to the wife of petitioner of Rs.300 was enhanced to Rs.1500/- and direction was given that this amount to be paid from May, 1999. Learned counsel appearing on behalf of petitioner submitted that after the initial order of maintenance was passed in the execution application, parties have

arrived at the settlement and the said application was withdrawn. It is further submitted that thereafter respondent again filed application for recovery. It is submitted that the Sessions Court has not held that the delay was caused on account of petitioner. It is further submitted that the petitioner's income is 2,500/- per month and after taking into consideration said income, order of maintenance which is passed is erroneous.

2. I have perused the order passed by JMFC as well as passed by Sessions Court. Both the court have considered all the aspects of the case and have held that apart from income from the service, the petitioner is also owner of agricultural land. There is no jurisdictional error or illegality in the order passed by the lower courts. I see, therefore, no reason to interfere with the said order. Petition is, therefore, dismissed.

V.M. KANADE, J.